

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268-0001

Complaint of Michael Hammond )

Docket No. C2008-1

STATUS REPORT OF SETTLEMENT COORDINATOR  
(December 21, 2007)

This Status Report of the Settlement Coordinator is filed pursuant to the Commission's Notice and Order invoking Commission rule 85 (39 CFR §3001.85) to use conferences and other informal inquiry methods to define the issues, further the exchange of information, and facilitate negotiated settlement in order to resolve the Complaint of Mr. Hammond filed on November 2, 2007.<sup>1</sup> The Commission has suspended the date for a formal answer to the Complaint until the outcome of informal approaches is clear.

The complaint arises from Mr. Hammond's dispute with his local postmaster about the location of his mail receptacle and Mr. Hammond's allegation that, as a result of the dispute, the local postmaster is arbitrarily

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<sup>1</sup> "Notice And Order on Filing of Complaint of Michael Hammond," Order No. 47, issued December 4, 2007. The Order states that the undersigned "is appointed as settlement coordinator, and in this capacity shall encourage parties to reach settlement on this Complaint, as provided for under rule 85 of the Commission's Rules of Practice and Procedure. A report on the status of settlement shall be made by December 21, 2007."

denying him delivery service and deliberately destroying his mail or returning his mail to sender without a sufficient holding period.

I am advised that Mr. Hammond also has filed a Freedom of Information Act (FOIA) request in the U.S. District Court for New Hampshire, *Michael Hammond v. U.S. Postal Service, et al.*, Docket No. 1;07-cv-00268-SM. In that proceeding, Mr. Hammond has requested Postal Service documentation pertaining to his delivery service. The Postal Service is represented there by a Assistant United States Attorney. A pre-hearing conference in that proceeding is scheduled for mid-January, 2008.

This Settlement Coordinator has conducted several telephone conversations, individually, with Mr. Hammond's counsel, Penny S. Dean (Complainant) and a representative from the General Counsel's office at Postal Service headquarters, Mr. Kenneth Hollies, to determine the possibilities for settlement and to request their participation in a conference. The undersigned encouraged the parties to engage in conference to seek a resolution of the mailbox placement issue to resolve the Complaint filed with this Commission and perhaps other issues arising from the dispute, or to at least restore delivery service to the Complainant pending resolution of the dispute.

On December 7, 2007, Complainant supplemented the record with copies of two similar letters from Complainant, each addressed to Postal Service officials, dated April 3, 2007 and June 22, 2007, demanding restoration of delivery service to Complainant's home. No response to these letters has been received by Complainant.

The Postal Service attorney indicates Postal Service management is continuing its review to determine whether there is a way to settle the matter. However, he notes that settlement discussions are complicated by the fact that the Postal Service is represented by the Assistant United States Attorney in the FOIA proceeding where settlement discussions have occurred which could resolve the Complaint at this Commission. Also, the Postal Service is represented by local field counsel and neither Mr. Hollies nor field counsel is in a position at this time to discuss settlement of the Complaint. The Postal Service requests additional time for Postal Service management to review the matter and to consider the possibilities of an accommodation to resolve the issues. Postal Service counsel authorizes me to state that he will report to the Commission on January 18, 2008, the progress of settlement activity at the local level.

On the other hand, Complainant strenuously opposes further delay in resolving the Complaint before the Commission and urges that the Commission's Complaint proceeding move forward. Complainant points out that while Complainant would consider an offer to resolve the dispute, no serious offer has been forthcoming. Complainant believes there has been sufficient time for management to review the matter and make a settlement offer.

In the absence of agreement between the parties to postpone further Commission action on the Complaint, and in view of the fact that no settlement discussions can be coordinated at this time, the Commission may proceed on the Complaint, or await the report from Postal Service counsel on the progress of settlement at the local level when the outcome of informal or other approaches

may become clear, as it deems appropriate. In the meantime, until further Commission order and direction, the Settlement Coordinator will remain available to assist the parties as necessary or desirable to settle the issues raised by the Complaint.

Respectfully submitted,

Kenneth E. Richardson  
Settlement Coordinator

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